Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Special Hearing, approval of a nonconforming use as defined in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a 2 apartment dwelling in a D.R.10.5 zone, in lieu of a single family house. The subject property is more particularly described on Petitioner's Exhibit No. 8.

The Petitioner/property owner, Michael J. Sponseller, appeared and testified. Also appearing on behalf of the Petitioner was Lillian Leakins and Anton J. Bumba, the immediate next door neighbor. Appearing as interested parties/Protestants were Jean K. Duvall, representing the Rodgers Forge Community Association, and Charles and Marian Mildrone, residents of this community.

The Petitioner, Michael J. Sponseller, testified that he has owned the property since 1973. During the period of his ownership, he has rented the property as a two apartment dwelling. Presently, his mother resides on the first floor and an unrelated tenant resides in the second floor unit. Mr. Sponseller also offered substantial testimony and documentary evidence regarding the history of the site. The property is located within the long established Rodgers Forge community in Baltimore County. The property is a town house unit which contains two apartments, one on the first floor and

one on the second floor. The floor layouts are substantially similar for each unit. Entry into each unit is by way of an internal vestibule. Mr. Sponseller offered numerous exhibits which demonstrate that the subject site has always been a two apartment unit and has been continuously operated in that manner since, at least, the early 1940s. This evidence included old deeds evidencing various transfers of the property and tax bills.

Perhaps the most significant testimony was that of Mr. Bumba who had resided immediately next door at 57 Murdock Road since 1942. He testified that the subject property has been a two apartment unit and has continuously been used in that manner since he lived there.

Appearing as an interested party was Jean K. Duvall of the Rodgers Forge Community Association. She concurred with Mr. Bumba's assessment that the subject property has been a two apartment unit for a lengthy period of time. Her concern was not so much over this apartment, but the establishment of a trend within this community that other dwellings could be convert-

As with all nonconforming use cases, it must be determined whether the nonconforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning. If the use has so existed, it must then be determined whether it has continued, uninterruptedly and unchanged since that time.

Testimony clearly established that, from 1942 onward, the subject property has been occupied as a two apartment dwelling continuously and uninterrupted until the present date. As such, the property enjoys a legal noncon-O o forming use status.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County Oct., 1991 that, pursuant to the Petition for Special Hearing, request for approval of a nonconforming use as defined in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a 2 apartment dwelling in a D.R.10.5 zone, in lieu of a single family house, in accordance with Petitioner's Exhibit No. 8, is hereby GRANTED.

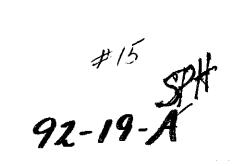
> LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn

Petition for Special Hearing to the Zoning Commissioner of Baltimore County The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve Non-conforming use of 2 apartments at 59 Murdock Road, Baltimore 21212 Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Michael J. Sponseller (Type or Print Name) E. D. ____ (Type or Print Name) DATE 7-21-52
200 PFE سستنس 1000 (Type or Print Name) Attorney for Petitioner: (Type or Print Name) P.O. Box 78 (301) 662-7720 Plantage and the second New Market, MD 21774 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted City and State

A Coul Attorney's Telephone No.: ESTIMATED LENGTH OF HEARING -1/2HR. (+1HB. AVAILABLE FOR HEARING

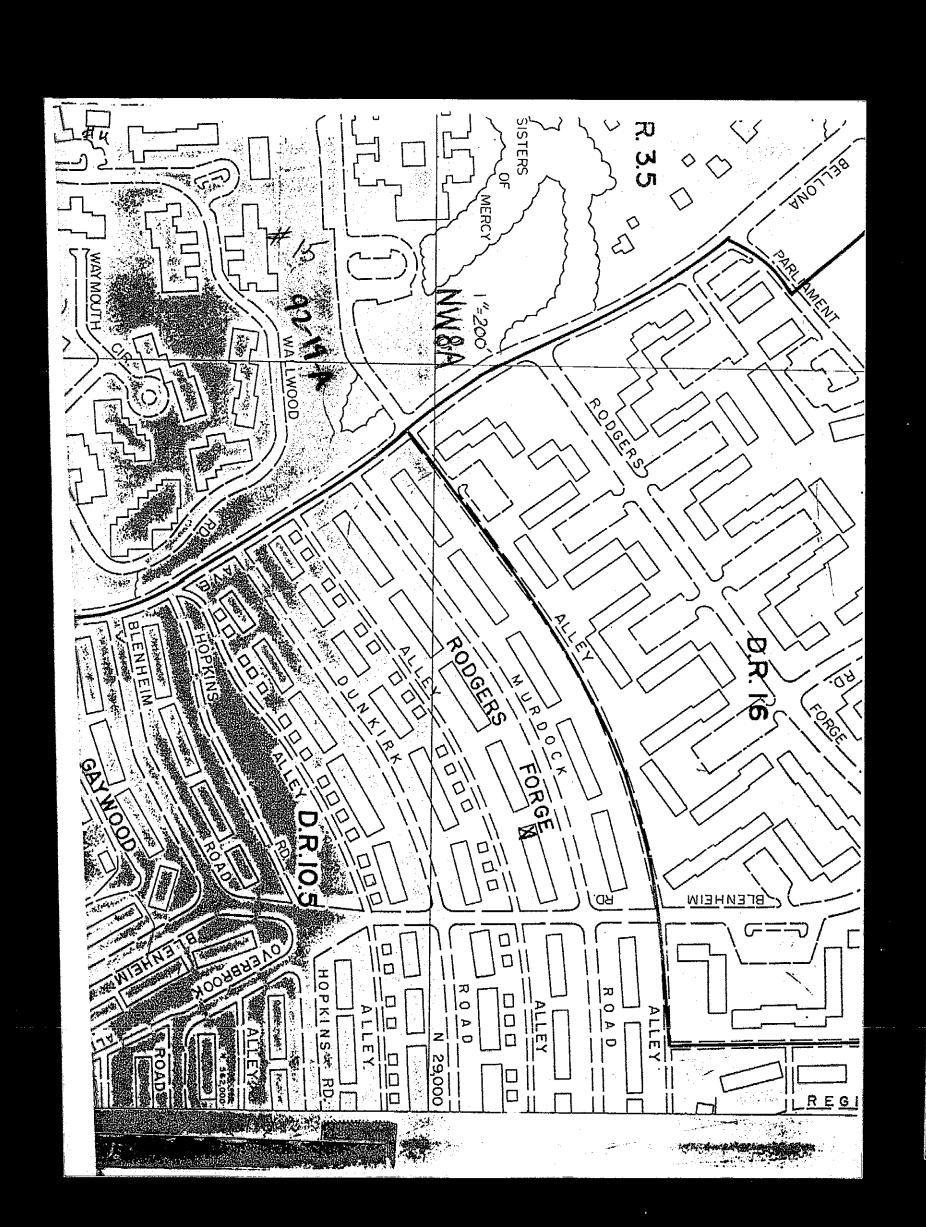
MON./TUES./WED. - NEXT TWO MONTHS



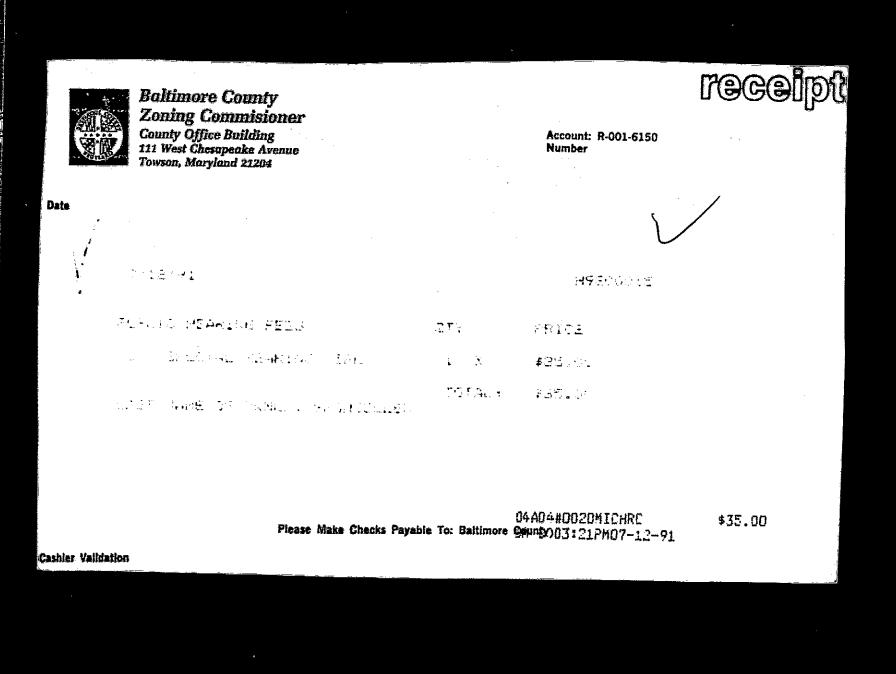
July 11, 1991

ZONING DESCRIPTION

Beginning for the same at a point on the south side of Murdock Road, being 50.00 feet, wide, 745.66 feet easterly from the southeast corner of Murdock Road and Bellona Avenue; thence running along Murdock Road northeasterly 41.42 feet; thence southeasterly 110 feet; thence southwesterly 32.90 feet; thence northwesterly 110 feet to the point of beginning. Containing 4,169 square feet or 0.10 acres of land, more or less. Being known as #59 Murdock Road in the Ninth Election District, Fourth Councilmanic District.







in the year one thousand nine hundred and seventy-three by and between JAMES J. WARD III. of Baltimore County, in the State of Maryland, , of the first part, and JUL 27-73 243695# ***297.00 MICHAEL J. SPONSELLER JUL 27-73 243695C% ***11550 JUL 27-73 243694C= ***17450 of the second part. 加 27-73 2436930世 *****7.00

Witnesseth, that in consideration of the sum of Five Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged,

the said party of the first part

do es hereby grant and convey unto the said party of the second part, his

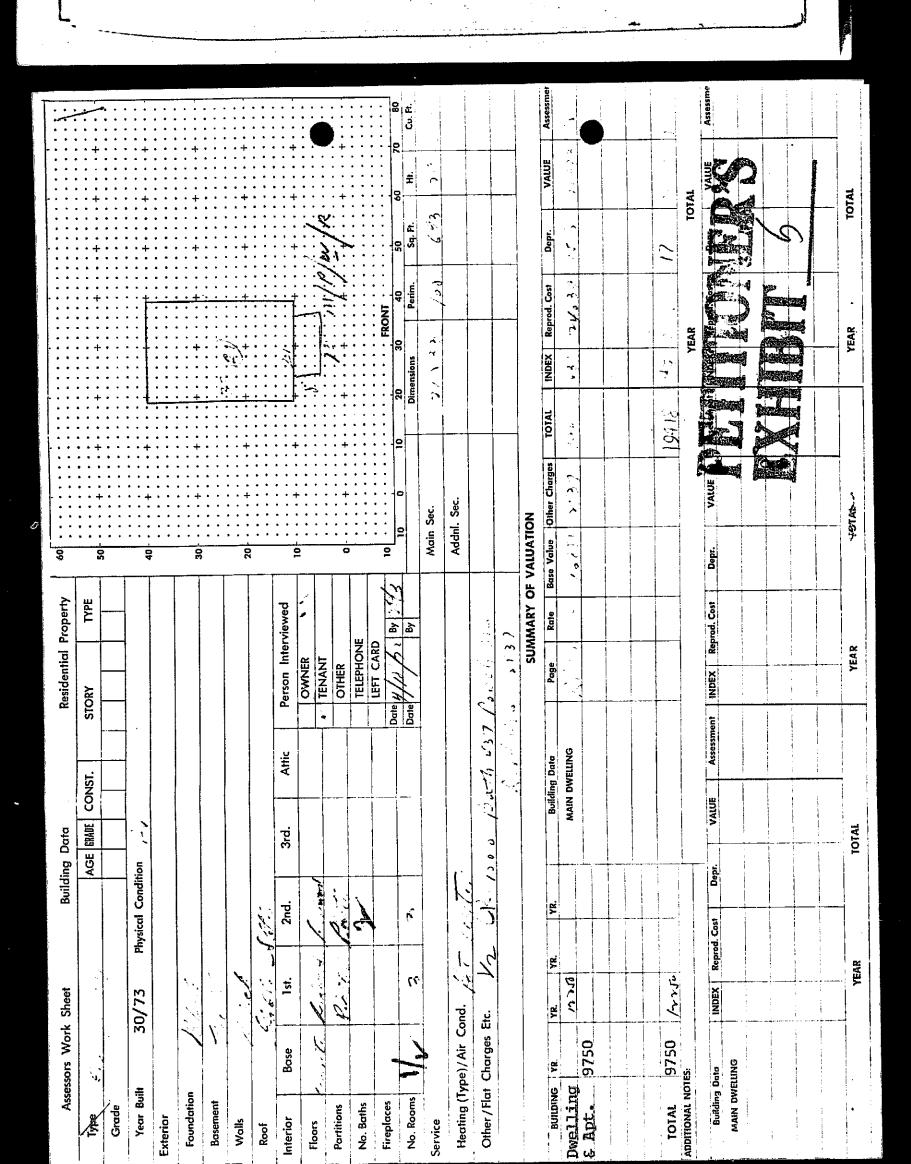
in fee simple, all

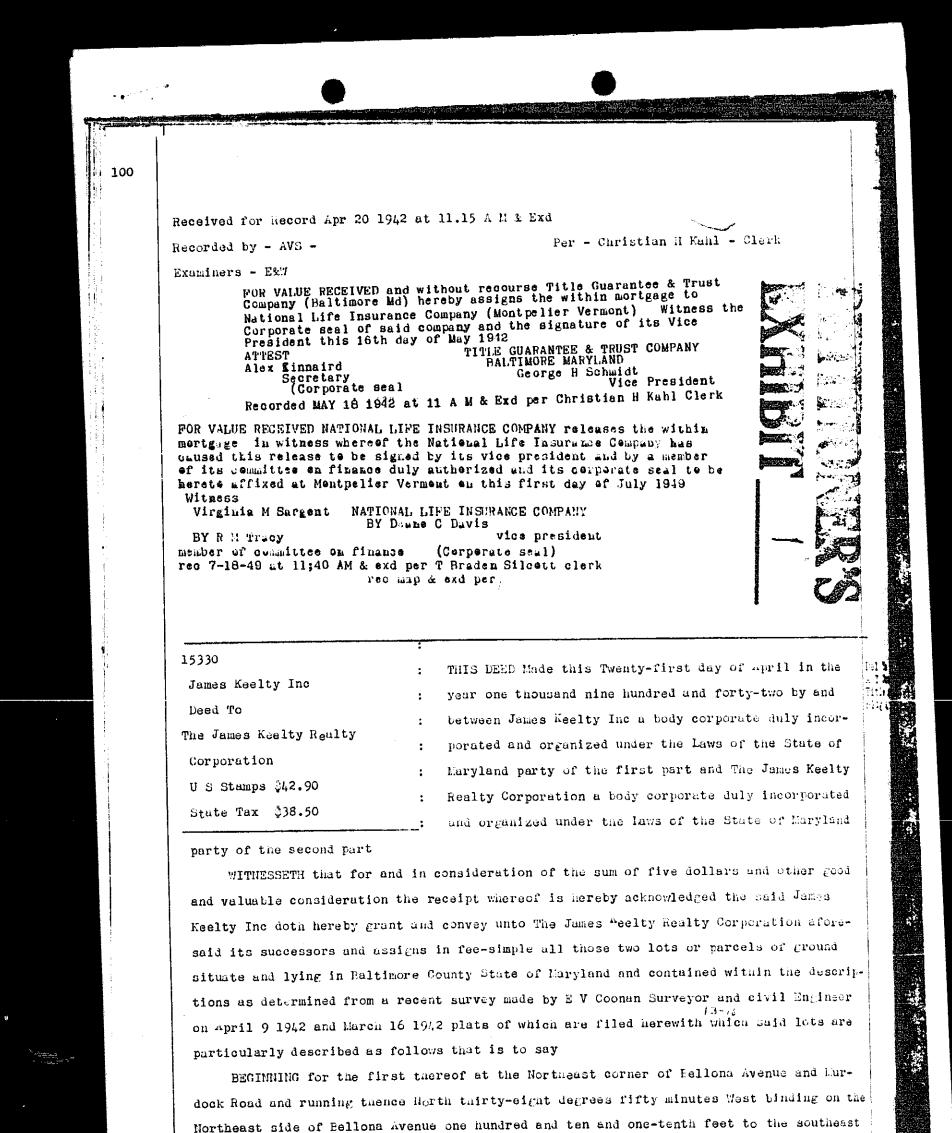
lot(s) of ground, situate, lying and being in

, State of Maryland, and described as follows, that is to say:-

Beginning for the same on the southeast side of Murdock Road, at the distance of seven hundred and forty-five and sixty-six one-hundredths feet northeasterly from the corner formed by the intersection of the southeast side of Murdock Road and the northeast side of Bellona Avenue, and at a point where the southeast side of Murdock Road is intersected by a line drawn midway between the house on the lot now being described and that on the lot adjoining thereto on the southwest and running thence northeasterly binding on the southeast side of Murdock Road forty-one and forty-two onehundredths feet to a point in line with the center of a partition wall there situate, thence southeasterly to and through the center of said wall to the end thereof, and continuing the same course in all, one hundred and ten feet to the northwest side of an alley fifteen feet wide there situate, thence southwesterly binding on the northwest side of said alley, with the use thereof in common thirty-two and ninety one-hundredths feet to intersect the aforesaid line drawn midway between the house on the lot now being described and that on the lot adjoining thereto on the southwest, thence northwesterly binding on said line, one hundred and ten feet to the place of beginning. The improvements thereon being now or formerly known as No. 59 Murdock Road.

BEING the same lot of ground which by Deed, dated March 3, 1971, and recorded among the Land Records of Baltimore County in Liber 0.T.G. No. 5172, folio 617, was granted and conveyed by C. Byrd Lucas unto the said party of the first part.





side of an alley fifteen feet wide there situate thence North fifty-three degrees thirty-

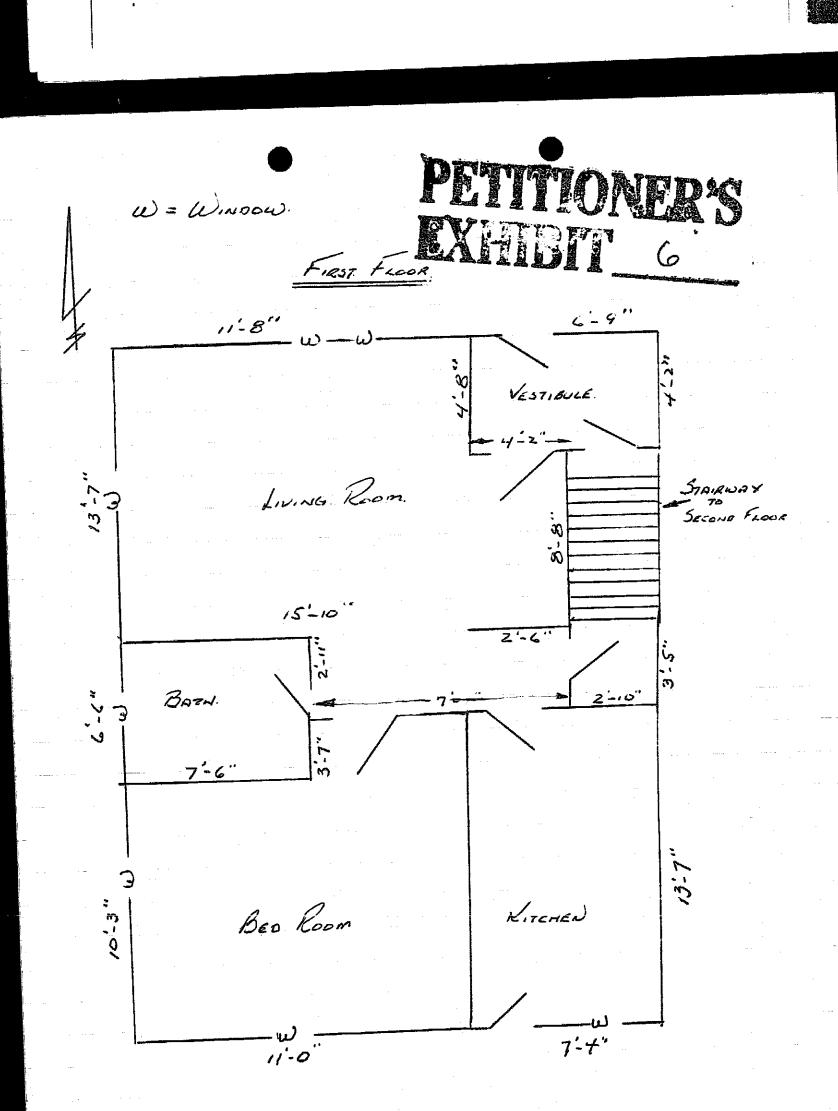
four minutes East binding thereon with the use thereof in common with others three hundred

and eighty-nine and eighty-four one-hundredths feet thence Northeasterly still binding on the southeast side of said alley by a line curving towards the south with a radius of four-

teen hundred and three-tenths feet for a distance of six hundred and fifty-nine

said curved line to the west side of Dumbarton koad thence binding thereon south one degree

and four one-hundredths feet the preceding course in this description being tangent to



The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE BALTIMORE, MD. 21212

September 23, 1991

Re: 92-19-SPH Item # 15

Gentlemen:

This is to sertify that Mrs. Jean K. Duvall, a member of the Board of Governors of the Rodgers Forge Community Association, Inc., is empowered to speak on behalf of the Association in the matter of Case # 91-19-SPH, Item #15.

At a meeting of the Board of Governors held on September 18, 1991, it was voted unanimously to oppose the approval of a non-conforming use of apartments in the above mentioned case.

> Yours truly, Honey Hobor (Ms.) Honey Holston Secretary, Rodgers Forge Community Association, Inc.

SECOND FLOOR Michael D. Falatico 15-10" 50 Murdock Road Baltimore, Md. 21212 LIVING KOOM J. Robert Haines Zoning: Comissioner of TOFIRST Baltimore County FLOOR E 10:0" ENTRANCE DATH

7-5"

KITCHEN

DEDROUM

11'-1

32. Trailer: A vehicle used, or intended for use as a conveyance upon the public street or highways, so designed, constructed, reconstructed, or added to by means of portable accessories in such manner as will permit the occupancy thereof as a movable dwelling or sleeping place. 33. Trailer Camp: Any land upon which, habitually or infrequently, one or more trailer or house cars, when detached from its automobile, or means of locomotion, or a combined car and house trailer, are placed or located, and whether or not used for occupancy as dwelling or otherwise, and shall include any structure or building used as a service building for such camp or intended for use as a part of the 34. Wayside Stand: A temporary structure including tables, or other method for display and sale of farm products or commodities. 35. Yard: An open space on the same lot asthe building and unoccupied and unobstructed from the ground up (except such accessory buildings, or projections as are expressly permitted in these 36. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the foundation wall of the building. 37. Yard, Rear: A yard extending across the full width of the lot measured between the rear lot line and the main building. 38. Yard, Side: A yard extending from the front yard to the rear yard and measured from the 39. Zone: An area for which the regulations governing the use of buildings and land are iden-SECTION II—ZONES For the purposes of these regulations, the County is hereby divided into Seven (7) Zones as follows: "A" Residence Zone - - (Cottage) "B" Residence Zone - (Semi-detached) "C" Residence Zone - - (Apartment) "D" Residence Zone - - (Group) "E" Commercial Zone. "F" Light Industrial Zone. "G" Heavy Industrial Zone. SECTION III—"A" RESIDENCE ZONE A. Use Regulations: In any "A" Residence Zone, except as hereinafter expressly provided, no building or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses: Church, parochial school, convent or monastery 2. Dwelling, single family. 3. Dwelling, two-family. . Farming and buildings incidental thereto. Home Occupations, provided that no sign or signs shall be displayed on the lot so used exceeding a total of two square feet in area, not projecting more than one foot beyond the building,

Case Number 92-19-A 59 Murdock Road 9th Election District

As a homeowner in the Rogers Forge area, I am writting about the Hearing on Sept, 25 concerning the illegal conversion to a single family house into 2 apartment units. I feel that allowing such a conversion would damage the character and property values of the community. Such a conversion would allow a denser grouping of people in an area which already has inadequate parking as well as allow the establishment of landlords like Mr. Sponseller who do not live in the area, but live in Monkton. Mr. Sponseller has a purely profit motive in the house on 59 Murdock, he could abide the legal guidelines of Baltimore County by renting out to solely one tenant and not tax the resources of the community. The above feelings are also shared largely by Mr. Don Grauel, Vice-President of the Rogers Forge Community. Like me , he is not in favor of the subdivision of houses into multi-unit apartmencs. It would be in the best interest of the Rogers Forge community if such an apartment conversion was disallowed,

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Michael J. Sponseller P. O. Box 78 New Market, Maryland 21774

DATE: 8/27/9/

Case Number: 92-19-A S/S Murdock Avenue, 745' NE of Bellona Avenue 59 Murdock Avenue 9th Election District - 4th Councilmanic Petitioner(s): Michael J. Sponseller HEARING: WEDNESDAY, SEPTEMBER 25, 1991 at 3:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 103.67 is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson MD 21204

AUGUST 2, 1991

887-3353

COPY

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-19-A S/S Murdock Avenue, 745' NE of Bellona Avenue 59 Murdock Avenue 9th Election District - 4th Councilmanic Petitioner(s): Michael J. Sponseller HEARING: WEDNESDAY, SEPTEMBER 25, 1991 at 3:00 p.m.

Special Hearing to approve the non-conforming use of 2 apartments.

J. Robert Sprines

Baltimore County

111 West Chesapeake Avenue

Towson, MD 21204

cc: Michael J. Sponseller Michael Falatito

92-19-A

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer Zoning Supervisor

DATE: July 15, 1991

FROM: James H. Thompson Zoning Enforcement Coordinator RE: Item No. 15

Petitioner: Michael J. Sponseller

VIOLATION CASE # C-91-1813

LOCATION OF VIOLATION 59 MURDOCK ROAD

DEFENDANT Michael J. Sponseller

ADDRESS P.O. Box 78 Route 144, New Market, Maryland 21774

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

Mr. Michael Falatito

50 Murdock Road Baltimore, Maryland 21212

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

BALTIMORE COUNTY, MARYLAND

DATE: July 25, 1991

INTER-OFFICE CORRESPONDENCE

In reference to the Petitioner's request, staff offers no

provide additional information, please contact Jeffrey Long in the

If there should be any further questions or if this office can

cc: Gwen Stephens Development Control

J. Robert Haines

Zoning Commissioner

SUBJECT: Curtis L. King, Item No. 11 Mark S. Chlan, Item No. 12

Office of Planning at 887-3211.

comments.

PK/JL/cmm

MULTIITE.MS/ZAC1

Pat Keller, Deputy Director Office of Planning and Zoning

James R. Whitehead, Item No. 14 Micheal J. Sponseller, Item No. 15 /

111 West Chesapeake Avenue Towson, MD 21204

September 11, 1991

Baltimore County Government Office of Zoning Administration and Development Management

Office of Planning & Zoning

887-3353

Mr. Michael J. Sponseller P.O. Box 78

> RE: Item No. 15, Case No. 92-19-SPH Petitioner: Michael J. Sponseller Petition for Special Hearing

Dear Mr. Sponseller:

New Market, MD 21774

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

JED:jw

Enclosures

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

Date: August 28, 1991

TO: Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

FROM: Rahee J. Famili

SUBJECT: Z. A. C. Comments

Z. A. C. MEETING DATE: July 23, 1991

ITEM NUMBER: 15

Adequate off-street parking should be provided.

Traffic Engineer II

Case Number: 92-19-A
S/S Murdock Avenue, 745'
NE of Bellena Avenue
59 Murdock Avenue
9th Election District
4th Councilmanic
Petitioner(s):
Michael J. Sponseller
Hearing Date: Wednesday
Sept. 25, 1991 at
3:09 p.m. Special Hearing: to approve the non-conforming use of 2 approved to approve the non-conforming use of 2 approve the non-conforming use of 2 approved to 2

Zoning Commissioner of Baltimore Count T/J/8/153 August 15.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9-15, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on $\sqrt{\frac{1}{1990}}$.

TOWSON TIMES,

5. Zefe Olm Publisher

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

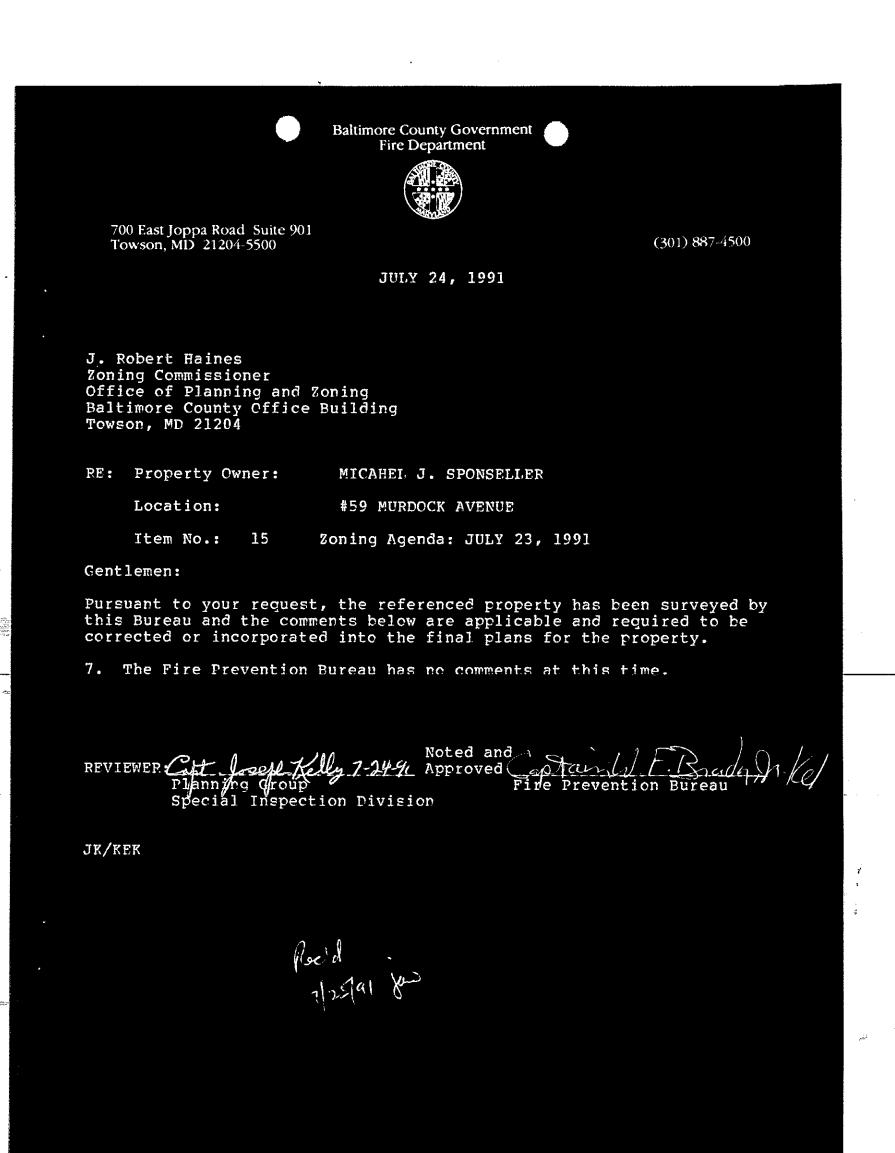
887-3353

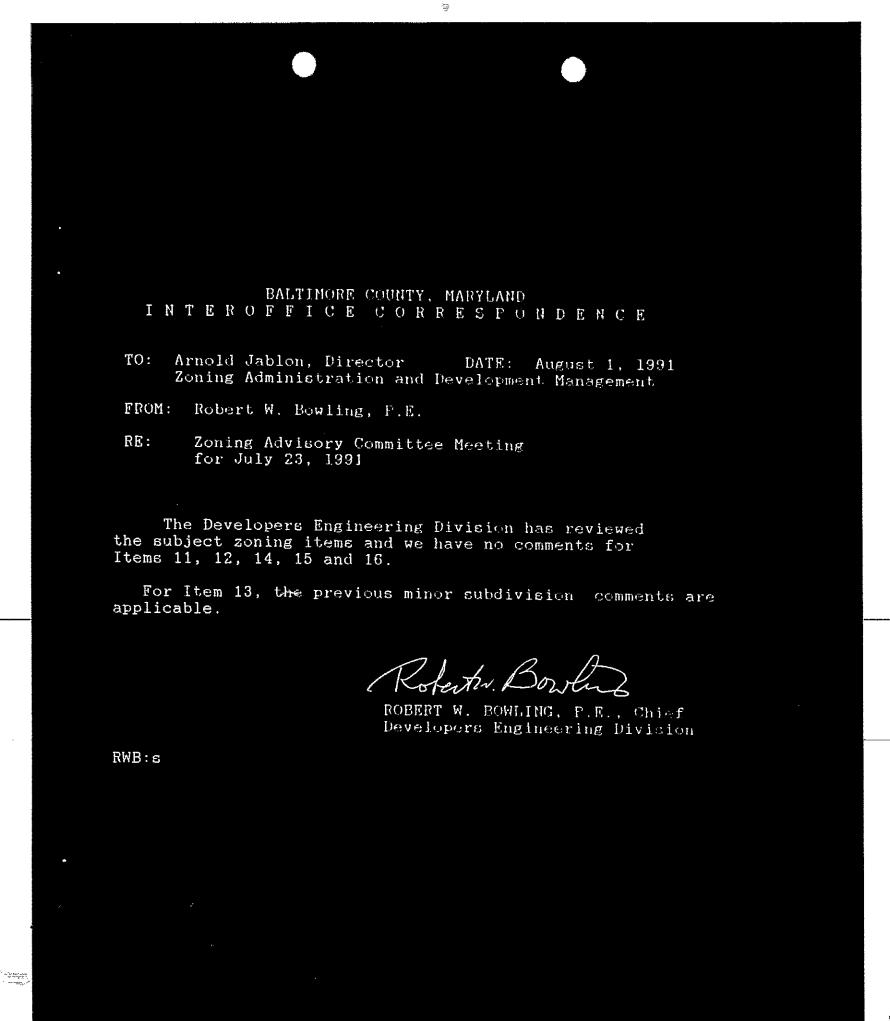
Your petition has been received and accepted for filing this

Received By:

Petitioner: Michael J. Sponseller Petitioner's Attorney:

24th day of July, 1991.





-	<u> </u>		
	Baltimore County Govern Zoning Commissione Office of Planning and Zo	r	
	Chesapeake Avenue MD 21204	887-3353	
10w5011,	WID 21204		
		October 16, 1991	
P.O.	Michael J. Sponseller Box 78 Market, Maryland 21774		
	RE: Petition for Special Hearing Case No. 92-19-SPH		
Dear	Mr. Sponseller:		
case with	Enclosed please find the decision render. The Petition for Special Hearing has be the attached Order.		
date addi	In the event the decision rendered is undivised that any party may file an appeal of the Order to the County Board of Appealional information concerning filing an aact our Appeals Clerk at 887-3391.	within thirty (30) days of the als. If you require	
		Very truly yours, MUNICE Schmidt Lawrence E. Schmidt Zoning Commissioner for Baltimore County	
JRH:r att. cc: cc:	rmn Peoples Counsel Protestants		

PLEASE PRINT CLEARLY NEWS M.J. SPANGLER M.J. SPA	• •	
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	PLEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET	
	NAME Land Devell 237 Min. Ball Min. Red on 3.	
	Charles Mildrone 31 Mus Marian Mildrone "	
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PROPERTY ADDRESS:	Special Hearing HECKLIST for additional required information
DWNER: MICHAEL U. SPONSELLER WICHAEL U. SPONSELLER WICHAEL U. SPONSELLER WIRDOCK MUR DOCK M	Office And
P.O. B. TARIAN R. D. G. T. T. T. T. D. S.	LOCATION INFORMATION Councilmanic District: 4TH Election District: 9TH 1*=260' scale map#: Zoning: DR. 10.6 Lot size: 0.10 Ac.+/. 4169 S.F. acreage square feat
O 92-19-A	WATER: Onesspeake Bay Critical Area: Prior Zoning Hearings: NONE
North date: 7/10/91 prepared by: MCKEE & ASSOC. Scale of Drawing: 1'= 30'	Zoning Office USE ONLY! reviewed by: ITEM #: CASE#: